

REMARKS

The subject Office Action rejected claims 1 - 17 as being unpatentable under 35 USC §103(a) over U.S. Patent No. 6,779,976 to Cartagna et al. Claims 1 and 10 are amended hereby to more clearly and precisely define the invention.

The Cartagna et al. patent discloses an apparatus for removing pollutants from the air that is significantly different in structure and operation from the air purifier disclosed and claimed in the application being examined. It is respectfully submitted that the invention disclosed in the Cartagna et al. patent accomplishes its purpose by exposing an adhesive (tacky substance) to which airborne particles adhere (see Fig. 2 and column 4, lines 10 - 15). It is respectfully requested that the Examiner take official notice of the fact that any pores or holes through sheets that have been coated with adhesive materials such as those described in Cartagna et al. tend typically to be filled to reduce or eliminate their porosity. In contrast, the present invention incorporates a filter medium (Claims 1 and 10), whereas Cartagna et al. specifically eschews a filter by stating in the Summary of the Invention section... "without the use of a filter..." (column 2, line 57). A photocopy of page 494 from the *Random House College Dictionary* is enclosed with the definition of the word "filter" marked with an asterisk (*). As defined therein, a "filter" is a "substance...through which...air...is passed to remove suspended impurities..." As described in the Cartagna et al. patent, the medium used to remove particles is an adhesive-coated sheet to which particles adhere without allowing air to pass through. (Also see Fig. 1, showing air purification device 20 attached in a manner to conform to the contour of the fan paddles, leaving no route through which air could possibly pass, even if the Cartagna et al. device were perforate.) Thus, Cartagna et al. teaches an air cleaner without a filter. Therefore, the claim of a filter (see Claims 1, 3 - 5, 8 - 10 and 14 - 16 of the present application) specifically distinguishes the present

invention over the cited prior art. Further, the present invention utilizes a self-supporting lattice framework for mounting the filter (Claims 1, 2, 6, 10, 11 and 17); whereas no such framework is disclosed or suggested in the Cartagna et al. patent. Cartagna et al. merely applies adhesive coated paper to wrap around the leading edge of fan paddles.

The sheets taught in the Cartagna et al. patent wrap around the leading edge of a fan paddle (see column 4, lines 49 - 55), whereas the present invention framework and filter medium "extend outwardly of" (see Claims 1 and 10) the fan paddle (see Figure 4 and paragraph 13, lines 3 - 9). Whereas the cross-sectional shape of the air purifier of the invention is clearly different than that disclosed in the prior art, such shape is for the stated and beneficial function of "equaliz[ing] the force of air against the front surface of air purifier 20, thus optimizing captured air flow and keeping air purifier 20 securely mounted" (see paragraph 13, lines 5 - 13). Thus, the function of removing particles suspended in ambient air defines the shape of the present invention air purifier, not vice-versa.

In essence, Cartagna et al. wraps a stack of "fly paper" sheets around the leading edge of a fan paddle, whereas the present invention teaches and claims a filter supported by a perforate framework extending outwardly of a fan paddle. Cartagana et al. does not disclose or suggest any framework for mounting or supporting the air purifier. As seen in Cargagna et al. Figs 3 - 9, the disclosed air purifier is a laminate of simple, similar sheets with no framework shown, much less a self-supporting lattice framework as clearly and precisely defined in claims 1, 2, 10, 11 and 17 and described in paragraph 10, line 1.

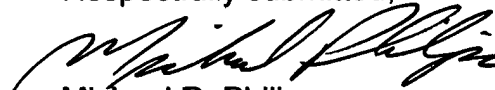
The subject Office Action states that the present invention discloses and claims a mere change in shape over the prior art that is obvious according to the decision in Eskimo Pie Corp. v. Levous et al. 3 USPQ 23. Indeed, Eskimo Pie refers simply to a difference in shape (from ball to rectangular block) between two products having substantially the same material composition (ice cream with chocolate covering). The facts of Eskimo Pie clearly support the Court's decision under established patent law, i.e. a change in shape is not a "process, machine, manufacture or composition of matter or new and useful improvement thereof" (35 USC §101). Specifically, a change in shape is not patentable subject matter. The difference between the claimed present invention and the device disclosed and taught in the Cartagna et al. patent is that of materials, structure and function; Cartagna et al. uses laminated sheets of adhesive-coated paper to capture airborne particles on its surface, while the present invention employs a filter medium (see definition discussed above) that is assembled on a lattice framework with means for being mounted to a fan paddle edge. These differences teach a new air purifier, not a mere change in shape of a previously known air purifier. The present invention air purifier furthermore is formed to stand out from the fan paddle to optimize air passage and particle entrapment, unlike Cartagna et al. Even if, *arguendo*, Cartagna et al. used a true filter material, not an adhesive coated sheet, Cartagna et al. does not disclose or suggest any framework or other support structure for the laminated sheets of adhesive-coated paper. Of course, as noted above, Cartagna et al. states explicitly that no filter is used.

Therefore, it is respectfully submitted that claims 1 and 10 as amended are patentable over the cited prior art of Cartagna et al. Claims 2 - 9 and 11 - 17, being dependent from claims 1 and 10, are also believed to be allowable.

The additional prior art noted in the subject Office Action is not believed to be material to the patentability of the present invention.

In view of the foregoing amendment and remarks, reconsideration and allowance are respectfully requested.

Respectfully submitted,

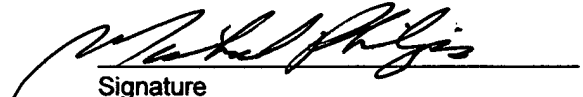


Michael R. Philips
Reg. No. 34,407
Attorney for Applicant

P.O. Box 1818
Toms River, NJ 08754-1818
Phone: 732-914-0010
Email: mrphilips@comcast.net

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Oct. 18, 2005.


Signature